

## **REMARKS**

Claims 85-95 are all the claims pending in the application.

### **I. Claim Rejections under 35 U.S.C. § 101**

Claim 93 has been rejected under 35 U.S.C § 101 as being directed to non-statutory subject matter. In particular, the Examiner has indicated that claim 93 could be interpreted as software *per se*.

In order to address the Examiner's above-noted position, Applicants note that claim 93 now includes a feature directed to a "storage unit". Applicants respectfully submit that because a storage unit is clearly not directed to software, that the above-noted rejection of claim 93 under 35 U.S.C. 101 has been overcome.

In view of the foregoing, Applicants kindly request that the rejection under 35 U.S.C. 101 be reconsidered and withdrawn.

### **II. Claim Rejections under 35 U.S.C. § 103(a)**

A. Claims 85 and 90-95 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Muntz et al. (US 2003/0208684) in view of Doherty et al. (US 6,920,567).

Claim 85, as amended, recites the features of judging, at the terminal apparatus, whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage control information indicates i) the content distribution server or ii) the content distribution server and the metadata distribution server that is authorized by the content distribution server; judging, at the terminal apparatus, whether the received content provider ID matches the certificate signer ID included in the public key certificate whose subject ID matches the metadata signer ID, when it is judged that the content provider ID does not match

the metadata signer ID and when the range included in the usage control information indicates the content distribution server and the metadata distribution server that is authorized by the content distribution server; and determining, at the terminal apparatus, that the metadata is available to the terminal apparatus, i) when it is judged that the content provider ID matches the metadata signer ID or ii) when it is judged that the content provider ID matches the certificate signer ID.

Applicants respectfully submit that Muntz and Doherty do not teach, suggest or otherwise render obvious the above-noted combination of features recited in amended claim 85.

In particular, regarding Doherty, Applicants note that this reference discloses the use of a license server that creates a license database, and grants a license to a software product to a user system upon a request from a user that meets the constraints of a package license description, which are primarily limitations on the number of licenses that may be granted (see col. 2, lines 40-46).

In addition, Applicants note that Doherty also discloses the use of a dynamic license database which includes license information that defines license conditions for use of the digital content in a user system (see col. 4, lines 35-38). In this regard, as explained in Doherty, when license information defining a license is resident in the dynamic license database, a license monitor and control mechanism is responsive to an attempt by a user system to access the digital content, and determines whether a use of the digital content by a user complies with the license defined in the dynamic license database (see col. 4, lines 53-62).

Thus, in Doherty, Applicants note that the license server receives a license request from a user, and determines whether or not to grant the license based on whether or not the request meets the constraints of the package license description (e.g., number of grantable licenses has

not been exceeded), or based on whether or not the use of the digital content complies with a license defined in the dynamic license database. In other words, Applicants note that Doherty merely discloses the ability to judge, at a server apparatus, whether or not a user has a right to obtain a license, and then to issue a license based on the result of the judgment.

It is noted that in the Advisory Action dated September 29, 2009, the Examiner indicated that Applicants argued that “Doherty does not disclose granting licenses to users based on a user meeting a set of constraints” (see the Continuation Sheet of the Advisory Action). Applicants respectfully point out that this is not the argument that was presented by Applicants, and in this regard, note that the claimed invention set forth in claim 85 is not directed to the granting of licenses to users based on a user meeting a set of constraints. Instead, as is evident from the above-noted features recited in claim 85, Applicants note that that this claim is directed to a determination (see the “determining” step in claim 85) that is made by a terminal apparatus as to whether metadata is available to the terminal apparatus, with the determination being based upon judgments (see the “judging” steps in claim 85) that are made at the terminal apparatus.

Thus, based on the foregoing, Applicants note that while Doherty discloses the ability to judge, at a server apparatus, whether or not a user has a right to obtain a license, and then to issue a license based on the result of the judgment, that Doherty does not disclose or in any way suggest the above-noted combination of features recited in amended claim 85 of judging, at the terminal apparatus, whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage control information indicates i) the content distribution server or ii) the content distribution server and the metadata distribution server that is authorized by the content distribution server; judging, at the terminal apparatus, whether the received content provider ID matches the certificate signer ID included in the public

key certificate whose subject ID matches the metadata signer ID, when it is judged that the content provider ID does not match the metadata signer ID and when the range included in the usage control information indicates the content distribution server and the metadata distribution server that is authorized by the content distribution server; and determining, at the terminal apparatus, that the metadata is available to the terminal apparatus, i) when it is judged that the content provider ID matches the metadata signer ID or ii) when it is judged that the content provider ID matches the certificate signer ID.

Further, regarding Muntz, Applicants respectfully submit that this reference fails to cure the above-noted deficiencies of Doherty.

In view of the foregoing, Applicants respectfully submit that amended claim 85 is patentable over the cited prior art references, an indication of which is kindly requested.

If the Examiner rejects claim 85 based on the above-noted combination of references, in order for Applicants to be able to make an informed decision with regard to appeal, Applicants kindly request that the Examiner explicitly identify the information in the cited references that is being relied upon as corresponding to the following claimed features:

- (i) “content provider ID”;
- (ii) “metadata signer ID”;
- (iii) “certificate signer ID”;
- (iv) “subject ID”; and
- (v) “range included in the usage control information”, and

to identify the element in the cited references that is being relied upon as corresponding to the claimed “terminal apparatus” which performs the above-noted claimed “judging” steps and “determining” step.

Regarding claims 90-92, Applicants note that these claims depend from claim 85 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 93, Applicants note that this claim has been amended in a similar manner as claim 85 so as to be directed to a terminal apparatus having a judging unit for i) judging whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage control information indicates a) the content distribution server or b) the content distribution server and the metadata distribution server that is authorized by the content distribution server, ii) judging whether the received content provider ID matches the certificate signer ID included in the public key certificate whose subject ID matches the metadata signer ID, when it is judged that the content provider ID does not match the metadata signer ID and when the range included in the usage control information indicates the content distribution server and the metadata distribution server that is authorized by the content distribution server, and iii) determining that the metadata is available to the terminal apparatus, a) when it is judged that the content provider ID matches the metadata signer ID or b) when it is judged that the content provider ID matches the certificate signer ID.

For at least similar reasons as discussed above with respect to claim 85, Applicants respectfully submit that the combination of Muntz and Doherty does not teach, suggest or otherwise render obvious the above-noted features recited in amended claim 93. Accordingly, Applicants submit that claim 93 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claim 94, Applicants note that this claim has been amended in a similar manner as claim 85 so as to recite the feature of a terminal apparatus having a judging unit for judging whether the received content provider ID matches the metadata signer ID included in the

metadata, when the range included in the usage control information indicates i) the content distribution server or ii) the content distribution server and the metadata distribution server that is authorized by the content distribution server, judging whether the received content provider ID matches the certificate signer ID included in the public key certificate whose subject ID matches the metadata signer ID, when it is judged that the content provider ID does not match the metadata signer ID and when the range included in the usage control information indicates the content distribution server and the metadata distribution server that is authorized by the content distribution server, and determining that the metadata is available to the terminal apparatus, i) when it is judged that the content provider ID matches the metadata signer ID or ii) when it is judged that the content provider ID matches the certificate signer ID.

For at least similar reasons as discussed above with respect to claim 85, Applicants respectfully submit that the combination of Muntz and Doherty does not teach, suggest or otherwise render obvious the above-noted features recited in amended claim 94. Accordingly, Applicants submit that claim 94 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claim 95, Applicants note that this claim has been amended in a similar manner as claim 85 so as to recite the features of judging, at the terminal apparatus, whether the received content provider ID matches the metadata signer ID included in the metadata, when the range included in the usage control information indicates i) the content distribution server or ii) the content distribution server and the metadata distribution server that is authorized by the content distribution server; judging, at the terminal apparatus, whether the received content provider ID matches the certificate signer ID included in the public key certificate whose subject ID matches the metadata signer ID, when it is judged that the content provider ID does not match

the metadata signer ID and when the range included in the usage control information indicates the content distribution server and the metadata distribution server that is authorized by the content distribution server; and determining, at the terminal apparatus, that the metadata is available to the terminal apparatus, i) when it is judged that the content provider ID matches the metadata signer ID or ii) when it is judged that the content provider ID matches the certificate signer ID.

For at least similar reasons as discussed above with respect to claim 85, Applicants respectfully submit that the combination of Muntz and Doherty does not teach, suggest or otherwise render obvious the above-noted features recited in amended claim 95. Accordingly, Applicants submit that claim 95 is patentable over the cited prior art, an indication of which is kindly requested.

B. Claims 86-89 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Muntz et al. (US 2003/0208684) in view of Doherty et al. (US 6,920,567), and further in view of Lowe et al. (US 2004/0267693).

Claims 86-89 depend from claim 85. Applicants submit that Lowe fails to cure the deficiencies of Muntz and Doherty, as discussed above, with respect to claim 85. Accordingly, Applicants submit that claims 86-89 are patentable at least by virtue of their dependency.

### **III. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Satoshi NIWANO et al.

/Kenneth W. Fields/  
By 2009.11.16 23:42:04 -05'00'  
Kenneth W. Fields  
Registration No. 52,430  
Attorney for Applicants

KWF/krg  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
November 16, 2009